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**From:** Brett Gleitsmann [bgleitsmann@rcac.org]  
**Sent:** 10/18/2018 10:34:55 PM  
**To:** tthinell@hopi.nsn.us  
**CC:** Rapicavoli, Emmanuelle [Rapicavoli.Emmanuelle@epa.gov]  
**Subject:** FW: Hopi compliance plans  
**Attachments:** PolCvrUAO102018.pdf; ShunCvrUAO102018.pdf; SipCvrUAO102018.pdf

FYI

**Brett Gleitsmann**  
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**From:** Rea, Brad (IHS/PHX) [mailto:Brad.Rea@ihs.gov]  
**Sent:** Wednesday, October 10, 2018 3:06 PM  
**To:** Brett Gleitsmann <bgleitsmann@rcac.org>  
**Cc:** Tim Bodell (tbodell@hopiuc.com) <tbodell@hopiuc.com>; Carroll Onsaie <consae@hopitelecom.com>; Litofsky, Alexandra (IHS/PHX) <Alexandra.Litofsky@ihs.gov>; Matson, Eric (IHS/PHX) <Eric.Matson@ihs.gov>; Junes-Harvey, Julianne (IHS/PHX) <Julianne.Junes-Harvey@ihs.gov>; Carter, James (IHS/PHX) <James.Carter2@ihs.gov>  
**Subject:** RE: Hopi compliance plans

Hello Brett,

Thanks for your interest in this issue. First off, I offer a couple of clarifications:

1. The recent administrative orders are just that, administrative orders (AOs). They are not administrative orders on consent (AOCs) which would have required negotiated and coordinated involvement on the part of the village PWS representatives. I am not sure that it makes too much difference in this instance, but there is a distinct procedural differentiation between the two types of orders.
2. Only three (3) AOs were issued. They were specific to the Shungopavi PWS, the FMCV/Polacca PWS and then jointly to the Upper Sipaulovi/Mishongnovi PWS and the Lower Sipaulovi/Mishongnovi PWS. Thus, Sipaulovi received a single AO to cover two separate PWSs.

Per Emmanuelle Rapicavoli, the effective date of the AOs is calculated to be 5-business days after signature by the USEPA, which was 2 October 2018. Because 08 October was a federal holiday, that should mean that the effective date of the AOs is today, 10 October 2018.

The AO document states that, within 15-days of the effective date of the order (25 October 2018), each village PWS must submit a letter describing its intention to comply with the order. To me that means a simple acknowledgement that the AO has been received and that the village PWS intends to meet its final compliance obligations NLT 31 December 2023. That final compliance date is concurrent with the project schedule which was developed by the IHS and which was subsequently provided to the USEPA-R9 Enforcement Branch. It is likely that the IHS project schedule served as a guide for the USEPA-R9 Enforcement Branch development process of the AO documents. It is hoped that the initial response deadline of 25 October will be met in a timely manner by the three (3) AO recipient villages because that will be their initial opportunity to demonstrate a solid and good-faith intent to work cooperatively with the USEPA-R9 Enforcement Branch moving forward.

The AO also states that each village PWS must submit a compliance plan for meeting the As MCL within 90-days of the effective administrative order date. I calculate that deadline to be 8 January 2019. My belief is that an acceptable compliance plan of that type will include a moderately detailed schedule with associated progress milestones as well as any other supportive information which may be specific to each village. The IHS project schedule has been shared with

the Hopi tribe and others, but perhaps not yet specifically with each of the administrative order PWS villages. Alex Litofsky from the IHS' field office in Polacca will be deliberate to provide that schedule information to each village administration.

It is also noted that section 41 of the AO document requires that a semi-annual progress report be submitted to the USEPA-R9 Enforcement Branch. It seems that the deadlines for such submittals would thus be 8 July 2019, 8 January 2020, 8 July 2020, and so on. Realistically, the first day of those months might be easier to keep track of while also providing a one-week buffer for the compliance deadline.

Beginning in early November of 2018, the IHS will be publishing periodic HAMP progress newsletters in the semi-monthly Hopi Tutuveni newspaper. Some of that information should be assistive for village personnel to prepare their semi-annual HAMP progress reports to the USEPA-R9. It would be good if the Hopi Tribe might identify a point-of-contact person for coordinating the respective village communication efforts with the Enforcement Branch, and I agree that a submittal with joint village signatures would seem to meet the intent of the progress reporting requirements. However, that issue is for the USEPA-R9 Enforcement Branch to decide.

In the near-term, and whenever possible, please feel free to reinforce the importance of each village PWS complying in a timely manner with their reporting obligations which are stated in the AO documents. Personnel from the IHS will also reinforce that message whenever it may be appropriate to do so.

Thanks and best regards,

**Brad**

Brad Rea, P.E.

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**From:** Brett Gleitsmann [<mailto:bgleitsmann@rcac.org>]

**Sent:** Wednesday, October 10, 2018 1:34 PM

**To:** Rea, Brad (IHS/PHX) <[Brad.Rea@ihs.gov](mailto:Brad.Rea@ihs.gov)>; Carter, James (IHS/PHX) <[James.Carter2@ihs.gov](mailto:James.Carter2@ihs.gov)>

**Subject:** Hopi compliance plans

Hi Brad and James,

Hope this finds you both doing well.

I was talking with Leon from Shungopavi yesterday about the new administrative orders of consent that each of the 4 villages received last week. In the order, they are required to provide a compliance plan that "includes the proposed system modifications and a schedule of completion of the project and compliance with the arsenic MCL. The proposed schedule shall include specific milestones dates and a final compliance date of 12/31/2023."

I'm thinking that it might be easiest and most consistent if each of the 4 villages provided the same information (technical project description/design + timeline/workplan) and that IHS probably would be the best place to turn for this. Tim Bodell showed me a draft 10% design report of the new proposed project along with a Gantt chart of the workplan and I'm wondering if IHS would be willing to share that with the villages so that they could include that in their compliance plans. Sorry to throw this in your direction but I was not exactly sure who would be best to contact at IHS to ask about this.

Thanks for your time,  
Brett

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